

REMARKS

Favorable reconsideration is respectfully requested.

Claims 1, 5-9, 13-17, 21-25, and 29-32 are pending in this application. Independent claims 1, 9, 17, and 25 are amended by the present response and claims 2-4, 10-12, 18-20, and 26-28 are canceled by the present response without prejudice. Claims 1-32 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-32 of U.S. patent no. 6,662,225. Claims 1-24 were rejected under 35 U.S.C. §101. Claims 1, 2, 5, 6, 8/1, 8/2, 8/5, 8/6, 9, 10, 13, 14, 16/9, 16/10, 16/13, 16/14, 17, 18, 21, 22, 24/17, 24/18, 24/21, 24/22, 25, 26, 29, 30, 32/25, 32/26, 32/29, and 32/30 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,202,199 to Wygodny et al. (herein “Wygodny”) in view of U.S. patent 6,345,306 to Hintermeister et al. (herein “Hintermeister”). Claims 3, 4, 11, 12, 19, 20, 27, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wygodny in view of Hintermeister as applied to claims 1, 9, 17, and 25, and further in view of U.S. patent 5,568,618 to Motoyama et al. (herein “Motoyama ‘618”). Claims 7, 8/7, 15, 16/15, 23, 24/23, 31, and 32/31 were noted as allowable if rewritten to overcome the obviousness-type double patenting rejection, the rejection under 35 U.S.C. § 101, and to include all of the limitations of their base claim and any intervening claims.

Initially, applicants gratefully acknowledge the indication of the allowable subject matter.

Addressing first the rejection of claims 1-32 under the judicially created doctrine of obviousness-type double patenting, that rejection is obviated by the present response. Specifically, filed with the present response is a Terminal Disclaimer over U.S. patent 6,662,225. The submission of that Terminal Disclaimer is believed to obviate that rejection.

Addressing now the rejection of claims 1-24 under 35 U.S.C. § 101, that rejection is traversed by the present response.

Claims 1, 9, and 17 were objected to as it was unclear whether they were merely directed to an abstract idea not tied to a technological art, environment, or machine which would result in a practical application producing a useful, concrete, and tangible result. That rejection went on to note that claims 1, 9 and 17 do not appear to recite any computer hardware to implement the claimed invention. Certain claims were also noted as comprised entirely of software.

Applicants respectfully submit that rejection clearly misinterprets the claimed features as previously written and as now even further amended.

The noted claims clearly initially recite a concrete element in reciting “an operation panel of an image forming device”. Clearly, that is a structural element and is not comprised entirely of software. Further, the claimed monitoring unit, monitoring means, or monitoring operation are not merely software but clearly involve hardware, for example a computer or a processor, to perform those functions. Further, the method operations such as in independent Claim 17 are clearly directed to a method, i.e. a process, which is a statutory class of invention.

Further, it is clear that each of the noted claims sets forth a concrete, tangible, and useful result as the operation of the system and method is communicating specific data. That is clearly not merely an abstract idea.

Thus, applicants respectfully submit each of independent claims 1, 9, and 17, and the claims dependent therefrom, clearly set forth statutory subject matter under 35 U.S.C. § 101.

Addressing now the above-noted prior art rejections based on Wygodny in view of Hintermeister, and further in view of Motoyama, those rejections are traversed by the present response.

Each of the independent claims is amended by the present response to clarify the recitations therein. For example, independent claim 1 now positively recites “an operation panel of an image forming device, the operation panel comprising a plurality of operations to be selected by a user”. According to features recited in the claims, a monitoring unit monitors the selecting of operations on the operation panel by a user, generates a log of such monitored data, and communicates that log of the monitored data. With such claimed structures and operations, which operations a user selects on an operation panel of an image forming device can be monitored and then logged. Such an operation allows monitoring of exactly how a user utilizes an operation panel of an image forming device, i.e., what buttons and in what order the buttons on an image forming apparatus operation panel are pressed by a user is monitored. With such monitored data it can then be evaluated and determined how a user utilizes an operation panel of an image forming device, so that that operation panel can then be improved. The operations clarified in the claims are neither taught nor suggested by any of the applied art.

With respect to features of monitoring an operation panel of an image forming device, the outstanding rejection appears to combine the teachings of Motoyama ‘618 with those in Wygodny and Hintermeister. However, such a modification would not have been suggested to one of ordinary skill in the art, and would not have resulted in the claimed invention.

First, applicants respectfully submit the basis for the outstanding rejection misconstrues the teachings in Wygodny relative to the claimed features. Specifically, one claimed feature is monitoring which operations of an operation panel of an image forming device a user selects. One basis for the outstanding rejection appears to cite Wygodny at col. 6, lines 3-7 with respect to monitoring the selecting of a plurality of operations of an interface

by a user.<sup>1</sup> However, applicants respectfully submit the outstanding rejections misconstrue the teachings in Wygodny relative to the claimed features.

As noted above, features set forth in the claims are directed to the monitoring of which operations on an operation panel of an image forming device a user selects. Wygodny does not disclose any such a monitoring. In the noted portion in Wygodny in col. 6, lines 3-11, Wygodny discloses collecting trace data, which appears to be cited with respect to the claimed “monitoring”. However, Wygodny clearly discloses that the trace data is “trace information, such as execution paths, subroutine calls, and variable usage, from the client 102”. At no point does Wygodny disclose or suggest any monitoring of selections of operations on an operation panel of an image forming device or any similar device.

In fact, Wygodny is directed to a completely different device than in the claimed invention.

More particularly, Wygodny is directed to monitoring execution paths of a software system, which is referred to as a client (see for example the Abstract of Wygodny). Thus, Wygodny merely monitors how a software program is being executed.

The claims are not directed to such a feature. Instead, the claims are directed to specifically monitoring how a user selects operations on an operation panel of an image forming device. Monitoring how a program is executed in Wygodny has no relation whatsoever to such claimed features.

Moreover, the teachings cited in Motoyama ‘618 are completely unrelated to Wygodny, and even if combined with the teachings in Wygodny would not realize the claimed invention.

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<sup>1</sup> Office Action of October 5, 2005, page 5, lines 10-12.

Motoyama '618 is not at all directed to a device even similar to that for monitoring the execution paths of a software program, and as such the teachings in Motoyama '618 have no relevance whatsoever to the teachings in Wygodny.

Moreover, even if the teachings in Motoyama '618 were combined with those in Wygodny that would not realize the claimed invention. Specifically, if one of ordinary skill in the art was to combine the teachings in Motoyama '618 to those of Wygodny, at most that would suggest monitoring a software program in a business office device such as in Motoyama '618, as that is what Wygodny teaches. Wygodny as noted above merely teaches monitoring the execution path of a software program; and thus combining the teachings in Wygodny to those of Motoyama '618 would result in monitoring the execution path of a software program for a business office device (as Motoyama '618 discloses controlling business office devices).

Such a combination of teachings, however, would not realize the claimed invention. That is, even with such a combination of teachings that would *not* result in monitoring which operations on an operation panel of an image forming device a user selects. As noted above, the claims allow such a monitoring, which would not be realized by combining the teachings of Wygodny and Motoyama '618 in the manner suggested in the Office Action.

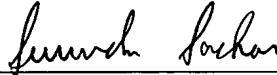
Moreover, no teachings in Hintermeister are directed to such features, nor would any teachings in Hintermeister cure the above-noted deficiencies of Wygodny in view of Motoyama '618.

In view of these foregoing comments, applicants respectfully submit each of amended independent claims 1, 9, 17, and 25, and the claims dependent therefrom, patentably distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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